



Indiana corporation with its principal office and place of business in Radnor, Pennsylvania, both at the time this action was filed and as of the date of this removal. First Penn-Pacific thus was and is a citizen of Indiana and Pennsylvania and is not a citizen of Texas.

The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. In First Amended Petition (the “Amended Petition”), Wallen complains of the lapse of a life insurance policy, which has a \$250,000.00 face amount, asserts claims against Defendants for breach of the duty of good faith and fair dealing, breach of contract, promissory estoppel, and declaratory judgment, and seeks to recover actual damages, punitive damages, attorney’s fees, and court costs.

All told, the Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, and this action may be removed by Defendants pursuant to 28 U.S.C. § 1441(b). Venue is proper in this Court under 28 U.S.C. § 1441(a), as this action was pending in a state court within this district and division.

**3. State Court Documents Attached.** One of Defendants’ affiliates, Lincoln Financial Distributors, Inc. (“Lincoln Financial”), received the Citation and a copy of Plaintiff’s Original Petition on May 31, 2017, which is the first time that Lincoln Financial or either of Defendants received, through service or otherwise, a copy of the initial pleading setting forth the claim for relief upon which this action is based. As such, this removal is timely under 28 U.S.C. § 1446(b). Attached hereto as Exhibit A are true and correct copies of the only process, pleadings, or orders received or filed by Lincoln Financial or Defendants in this action, and this exhibit includes all of the documents that were in the state court’s file as of the filing of this removal. Attached hereto as Exhibit B is a true and correct copy of the state court docket sheet.

4. **Relief Requested.** Defendants respectfully request that the United States District Court for the Western District of Texas, El Paso Division, accept this notice of removal and that it assume jurisdiction of this action and issue all such further orders and processes as may be necessary to bring before it all parties necessary for the final trial hereof.

Respectfully submitted,

By: /s/ Andrew C. Whitaker  
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ATTORNEYS FOR DEFENDANTS  
THE LINCOLN NATIONAL LIFE INSURANCE  
COMPANY and FIRST PENN-PACIFIC LIFE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

This is to certify that, on June 28, 2017, a true and correct copy of the foregoing document has been sent by email and certified mail, return receipt requested, to Mr. Chris Bell and Mr. Benjamin Harwood Rose, Bell Rose, 10000 Memorial Drive, Suite 750, Houston, Texas 77024.

/s/ Andrew C. Whitaker

Andrew C. Whitaker